

Florence, New Jersey 08518-2323  
July 6, 2020

A regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ and remotely via Webex. Chairman Patel called the meeting to order at 7:39 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Joseph Cartier
Larry Lutz	Anant Patel
Lou Sovak	Margo Mattis
Dennis Puccio	Nick Haas

Absent: None

Also Present: Solicitor David Frank (remotely)  
Engineer Dougherty (remotely)  
Tom Sahol, Assistant Township Administrator

Planner Barbara Fegley was excused.

### **SWEARING IN OF NEW MEMBERS**

Solicitor Frank administered the Oaths of Office to Dennis Puccio for a 3-year unexpired term expiring December 31, 2022 and Nick Haas as Alt. #1 for a 2-year unexpired term expiring December 31, 2021.

### **RESOLUTIONS**

There were no resolutions.

### **APPLICATIONS**

- A. ZB-2020-02: Application of Jason Van Lieu for Bulk Variance for impervious coverage to install an above-ground pool on property located at 4 Lilac Lane, Florence Township. Block 166.09, Lot 7.

Jason Van Lieu appeared before the Board, representing himself, and was sworn in by Solicitor Frank.

Mr. Van Lieu stated he was here looking to receive a bulk variance for impervious coverage to install an above-ground pool. Mr. Van Lieu answered Engineer Dougherty's review letter's comments and answered the Board member's questions by stating:

- There are other pools in his neighborhood so it is consistent with the neighborhood.
- The pool seen in his back yard on Google Earth was a temporary pool and is no longer there.
- The proposed pool will be an above-ground pool made of resin and will supported like an aluminum pool. His understanding is that it will be delivered as one piece.
- He does not have an existing shed in his back yard.
- He had incorrectly marked .6 feet sideyard setback on his survey and confirmed it will be the required 6 feet setback.
- It will be an oval shaped pool.
- He is not planning to put a deck around it and it will have a stair that goes up the side of the pool and then into the pool with a locking door mechanism for safety.
- His back yard is surrounded by a 6' vinyl privacy fence.

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- The pool will be over 4' tall.
- There are currently no drainage issues on his property. He stated his property crowns and slopes to both sides.
- He does have one neighbor that has a shed in their back corner adjacent to his property, but it will be far enough away from his proposed pool and should not cause any concern.

Engineer Dougherty stated the applicant has covered all of his concerns, but wanted to point out the request for impervious coverage. There are two standards in the township's ordinance for this particular zone: one is 25% for unclustered units and the other is 30% for clustered units. He had figured this application on the 30% allowed for a clustered unit. He stated Mr. Van Lieu has 34% existing impervious coverage and is looking at a 47% proposed impervious coverage. He stated that all other items were addressed with the applicant's testimony and it is consistent with the neighborhood.

Solicitor Frank asked what the required minimum lot size is for the zone. Engineer Dougherty stated that for a non-cluster is 20,000 sq. ft. and cluster is 10,000 sq. ft. He stated Mr. Van Lieu's lot is about 11,000 sq. ft. and all other bulk standards are met.

Mr. Sovak ask for the applicant to confirm the size of the pool. Mr. Van Lieu stated that the proposed pool will be 12' X 21' oval shaped and not 21' round. Engineer Dougherty stated he calculated on a 21' round so the proposed impervious coverage would be less than the 47% and that if 47% impervious coverage is approved, it will exceed what is needed.

Chairman Patel mentioned that if the Board approves the 47%, it would allow the applicant enough coverage to add a small deck attached to the pool at a later date, but that would be up to Mr. Van Lieu to make that request. Mr. Van Lieu stated that he would like to have the 47% approved in case he does decide to put in a deck and requested the Board to approve 47% impervious coverage for his property.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no wishing to be heard, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated this application is a request for a bulk variance for impervious lot coverage up to 47% to allow for an above-ground pool and possible future deck. This falls under the C2, benefits detriment analysis, criteria. He stated testimony was provided as to the nature of the lot, this is an amenity commonly in the neighborhood and there were no articulated drainage issues. He said the Board can weigh the positive and negative criteria.

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to approve Application ZB#2020-02 as a C2 and the 47% impervious coverage.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Lutz, Cartier, Mattis, Puccio, Sovak, Patel

NOES: None

ABSTAIN: None

Motion carried

- B. ZB-2020-03: Application of Komika Benjamin for Bulk Variance for impervious coverage to install a shed on property located at 1013 W. Fourth Street, Florence Township. Block 3, Lot 18.

Komika Benjamin and John Benjamin appeared before the Board, representing themselves, and were sworn in by Solicitor Frank.

Ms. Benjamin answered Engineer Dougherty's review letter's comments by stating the following:

- They are here to request a variance to construct an 8' x 15' shed.
- Her parents are the owners of this property and they are currently renting it from them.
- Their intent of the shed is to allow them to store lawn maintenance equipment, household maintenance equipment and a motorcycle.
- They currently have a lot of concrete on their property, which is consistent with other residences in the neighborhood, and this is preventing them from being able to build the shed without coming before the Board.
- The characteristics of the neighborhood are single 2-story homes with most in the area being duplexes. The homes do have sheds and garages.
- Their shed is going to be made on high-density polyethylene plastic that will be reinforced with powder coated steel. It will have 2 doors; one on the front and one on the side. It will be put on a gravel layout with a wooden base which will be the same size as the shed.
- They will be removing the existing 4' high x 8' wide shed.
- The large concrete pad in the back of the property is for Mr. Benjamin to park his company vehicle as it is against township ordinance for him to park it on the street.

Engineer Dougherty referred to his June 17, 2020 review letter and pointed out the impervious coverage for this application. This property is in the RB zone and allows an impervious coverage of 33% for a detached unit. The RB zone also extends into townhouses, which are presumed to be attached and the allowed impervious coverage for that type of property is 70%. He stated the applicant has testified that this residence is a duplex and there really is no impervious coverage requirements for a duplex. The Zoning Officer has chosen the single-family detached of 33% and Engineer Dougherty just wanted to give the Board the range between a single detached of 33% to a townhouse type of unit of 70%. He did confirm that this application proposes 55% impervious coverage which includes the concrete walkway and concrete pad in the back and subtracts out the amount of the small shed that is going to be removed. Total impervious coverage existing is 51% and the total proposed is 55%.

Chairman Patel inquired as to how we are considering this application and the allowed impervious coverage; single-family at 33% or townhouse at 70%. Engineer Dougherty suggested to consider it a single-family attached home in this case. He was just making the Board aware of the differences and that the ordinance does not specify a duplex for impervious coverage. Mr. Sahol stated that many years ago, a prior solicitor gave legal opinion that this is the most like standard that could be used for this type of home that is constructed in our RB zone. Primarily, what you see in these zones are single-family attached duplexes. If it were more than 2 homes attached, 3 or more, then he would easily say it is a townhouse unit. This Board has used this determination since then. This is something we can look at during the Master Plan Review, either adding a clearer definition as to what constitutes a townhouse or expanding just this one section.

It was mentioned the application included a letter from the owner of the property. Solicitor Frank stated that fundamentally, in order for an applicant to bring anything before the Board, they have to have standing, or a basis, to bring applications to us. In this application, consent of the landowner as well as their status as tenants is given to allow them to have standing to bring this before us.

Engineer Dougherty stated the minimum lot size for this zone is 6,000 sq. ft. and the existing lot size is 3,450 sq. ft.

It was the Motion of Ms. Mattis, seconded by Vice Chair Buddenbaum to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no wishing to be heard, it was the Motion of Mr. Lutz, seconded by Vice Chair Buddenbaum to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated this is an application is for an existing undersized lot that falls within the C1, hardship criteria, where we already have an existing condition. The applicant has testified that this is typical for the zone and the hardship case has been presented.

It was the Motion of Ms. Mattis, seconded by Mr. Puccio to approve Application ZB#2020-03 as a C1 with 55% impervious coverage.

Upon roll call the Board voted as follows:

YEAS: Mattis, Puccio, Buddenbaum, Cartier, Lutz, Sovak, Patel

NOES: None

ABSTAIN: None

Motion carried

C. ZB#2020-04: Application of Drew Ruffini for Bulk Variance for impervious coverage to install a shed on property located at 898 Grove Street, Florence Township. Block 92, Lots 1.01 & 3.01.

Drew Ruffini appeared before the Board, representing himself, and was sworn in by Solicitor Frank.

Mr. Ruffini answered Engineer Dougherty's review letter's comments by stating the following:

- He was here today for a bulk variance for impervious coverage to remove an existing approximately 100 sq. ft. shed on a concrete foundation and replace it with a 12' x 28' shed on a stone pad foundation.
- The houses in his neighborhood have similar detached structures.
- He currently has no drainage issues and the new shed will color-match to his house for cohesive movement.
- The shed will be constructed off-site and be delivered in whole.
- The shed will be used to store lawn equipment, Christmas decorations and possibly a car, but he does not know if the car will fit. It would be his personal car; not a vehicle for business.

Engineer Dougherty referred to his review letter dated June 24, 2020 and stated the applicant has answered most of his comments. This property is located in the RA zone, low density, so 25% is the allowed impervious coverage for a single-family dwelling. It is on an undersized corner lot, which sometimes gets burdened with having 2 frontages. The applicant provided a nice narrative regarding his property. The applicant currently has a 35% impervious coverage existing and the applicant is proposing a 38% impervious coverage with the proposed new shed and removal of the old shed.

Engineer Dougherty stated the proposed shed/garage is a 336 sq. ft. and there is a provision on the ordinance regarding private garages. The maximum height allowed is 20' or an additional variance would be required. There is a setback requirement of 25' for a private garage, and at looking at the provided plan, it looks to be 24' 10" and would like to know the applicant's intent as to the setback, as well as the height of the garage. Mr. Ruffini stated it will not be higher than 20' and the frontage from Grove Street to the shed will be more than 25'. The shed will be closer to E. Third Street where his driveway is located and that will be setback at least 25'. Engineer Dougherty suggested the resolution state that the intent is that it will be no closer than 25' to the street. He stated that the existing shed is very close to the property line so it would be a benefit to have that shed removed, which the applicant testified that it and the concrete foundation will be removed.

Mr. Ruffini stated 2 full-sized cars can fit in his driveway. Engineer Dougherty confirmed that would be roughly 40', and even with the 15' right-of-way, that would leave 25' setback. Mr. Ruffini asked if the township sidewalks count towards his impervious coverage. Mr. Sahol stated they do not. Engineer Dougherty added that the stone driveway also does not count towards the impervious coverage.

Mr. Ruffini also testified that his stone driveway currently drains to the street. Engineer Dougherty stated that with the drainage going out to the street, there will be a minimal impact on the adjacent neighboring properties.

Vice Chair Buddenbaum asked Mr. Ruffini if grass will be replacing the concrete being removed. Mr. Ruffini stated that is correct.

Mr. Puccio asked Mr. Ruffini if the proposed shed/garage would block the view of any neighbors as it appears there are 2 windows on a neighboring house that look towards his back yard. Mr. Ruffini stated the neighboring house has a good amount of room up to their property line and the shed will be 6' off his rear yard and will have decorative windows on that side; he does not feel it will be an imposition.

It was the Motion of Mr. Lutz, seconded by Vice Chair Buddenbaum to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no wishing to be heard, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated this application is a bulk variance for 3% increase in impervious coverage for an amenity allowed in the zone on an existing undersized lot. The applicant testified to no current drainage issues and Engineer Dougherty agreed there would be minimal impact with drainage. This would fall under a C1 for hardship.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Application ZB#2020-04 as a C1 and the 38% impervious coverage.

Upon roll call the Board voted as follows:

YEAS: Lutz, Cartier, Buddenbaum, Mattis, Puccio, Sovak, Patel

NOES: None

ABSTAIN: None

Motion carried

D. ZB#2020-05: Application of Kenneth Norcross for Bulk Variance for impervious coverage to construct a single-story addition and deck on property located at 18 4<sup>th</sup> Avenue, Florence Township. Block 137, lot 27.

Solicitor Frank stated the applicant failed to notice one owner on record and is requesting an adjournment to the August 3, 2020 meeting. He added the Board can take jurisdiction of the application solely for the purpose to adjourn the application and require that the applicant send only the one notice that was missed.

It was the Motion of Ms. Mattis, seconded by Mr. Puccio to approve an adjournment of Application ZB#2020-05 to the August 3, 2020 meeting with no further notice or publication required; however, the applicant must send a notice to the one owner not originally notified.

Upon roll call the Board voted as follows:

YEAS: Mattis, Puccio, Buddenbaum, Cartier, Lutz, Sovak, Patel

NOES: None

ABSTAIN: None

Motion carried

Solicitor Frank stated that if any members of the public are in attendance, this is considered their notice that this application will be adjourned to the August 3<sup>rd</sup> meeting and only the landowner who was omitted from the prior mailing will receive a notice. He added the Board took jurisdiction solely to do this action.

## **MINUTES**

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to accept and file the minutes of the May 4, 2020 Regular Meeting. Motion unanimously approved by all members present.

## **CORRESPONDENCE**

- A. 05/20/20: Engineer Dougherty's Compliance Review No. 3 regarding IPT Railroad Logistics Center LLC (former Foxdale Properties)
- B. 06/18/20: Planner Fegley's Conformance Review Letter #3 regarding Foxdale Properties (now known as IPT Railroad Logistics Center LLC)
- C. 06/30/20: Planner Fegley's Conformance Review Letter #4 regarding Foxdale Properties (now known as IPT Railroad Logistics Center LLC)
- D. 07/06/20: Engineer Dougherty's Compliance Review No. 4 regarding IPT Railroad Logistics Center LLC (former Foxdale Properties)

Mr. Puccio asked if there had been a change in the layout of the driveway. Engineer Dougherty stated they have done some changes administratively, but nothing to the exterior of the site. It was confirmed that the entrance and exit on the parking lot side for employees is changing, but not the driveway for truck traffic that goes out 5<sup>th</sup> Street to Railroad Avenue. He mentioned the applicant has addressed all other comments that he and Planner Fegley have made and that they can now move on to the next stage, which is to post bonds and start construction.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to receive and file Items A – D. Motion unanimously approved by all members present.

## **OTHER BUSINESS**

There was no other business to discuss.

## **PUBLIC COMMENT**

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to open the meeting for public comment. Motion unanimously approved by all members present.

Information regarding how to virtually attend this meeting has been provided in a published notice as well as listed on the township website. Mr. Sahol noted that there were no members of the public attending virtually. It was also noted that there were no members of the public physically in attendance.

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to close public comment. Motion unanimously approved by all members present.

## **ADJOURNMENT**

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to adjourn the meeting at 8:44 p.m. Motion unanimously approved by all those present.

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Larry Lutz, Secretary